

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

SPH AMERICA, LLC,
a Virginia company,

Plaintiff,

Civil Action No. 1:09-CV-945 LMB/JFA

v.

FOLEY & LARDNER LLP,
a Wisconsin partnership,

Defendant.

DECLARATION OF STEVEN P. RAGLAND

I, STEVEN P. RAGLAND, declare as follows:

1. I am an attorney licensed to practice law in the State of California and am associated with the law firm of Keker & Van Nest LLP, 710 Sansome Street, San Francisco, CA 94111, counsel to Defendant Foley & Lardner LLP ("Foley") in this case. I make this declaration in support of Foley's Submission Re: Order to Show Cause. I have personal knowledge of the facts stated herein and, if called as a witness, I would testify competently thereto.

2. I have been admitted *pro hac vice* to practice before this Court in relation to the above-captioned matter.

3. On September 8, 2009, at approximately 11:50 a.m. Pacific Daylight Time, I called Kevin Mun, Esq., counsel to Plaintiff SPH America, LLC, to follow up on a September 4, 2009 letter from my firm to Mr. Mun which requested an extension of time to respond to SPH's Complaint and proposed a briefing schedule for contemplated motions pursuant to Fed. R. Civ. P. 12 and 28 U.S.C. § 1404. When Mr. Mun answered the call, I told him who I was, stated that I represented Foley, and explained why I was calling. I stated that we had not received any response to our September 4th letter so I was following up in the hope that we can reach

agreement and avoid the need to move the Court for an extension of time to respond to SPH's Complaint. Mr. Mun informed me that he was about to respond to the letter as I called and that he was not inclined to agree to our proposal. I expressed surprise and asked if he really would not extend the professional courtesy of allowing us a bit more time to respond to SPH's Complaint. Mr. Mun said that we had proposed something more than an extension to respond and that he would not agree to the briefing schedule we suggested. I then asked whether he would instead agree to a simple extension of fifteen days to respond to the Complaint. Mr. Mun stated that he would not agree to that simple extension and that his client "doesn't want to stipulate to anything." I told Mr. Mun that I thought this was a very unfortunate way to begin a professional relationship with the other side on a case, that it has always been my practice to extend such professional courtesies, that such courtesies are routinely extended by others, and that I was confident the Court would grant our request. Still hoping to avoid motion practice, I stated again that we were only asking for about two more weeks to respond and that I really hoped he would reconsider and not force us to file a motion for additional time to respond. Mr. Mun repeated that he and/or his client would not agree to any extension and would not stipulate to anything. I again expressed my disappointment and then said goodbye and ended the call.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct and that this declaration was executed on October 7, 2009, in San Francisco, California.

Dated: October 7, 2009

By: 

STEVEN P. RAGLAND